

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MICHAEL FAULK, )  
Plaintiff, )  
v. ) Cause No.: 4:18-cv-308  
CITY OF SAINT LOUIS, MISSOURI, ) **JURY TRIAL DEMANDED**  
and )  
COL. GERALD LEYSHOCK, in his individual )  
capacity, and )  
LT. SCOTT BOYHER, in his individual )  
capacity, and )  
LT. TIMOTHY SACHS, in his individual )  
capacity, and )  
SGT. RANDY JEMERSON, in his individual )  
capacity, and )  
SGT. MATHEW KARNOWSKI, in his )  
individual capacity, and )  
SGT. BRIAN ROSSOMANNO, in his )  
Individual capacity, and )  
SERGEANT ANTHONY WOZNIAK, in his )  
individual capacity, and )  
OFFICER JOHN GENTILINI, in his )  
individual capacity, and )  
OFFICER JAMES HARRIS III, in his )  
individual capacity and )  
OFFICER BRIAN GONZALES, in his )  
individual capacity, and )  
OFFICER ROBERT STUART, in his )  
Individual capacity, and )  
OFFICER BRYAN BARTON, in his )  
individual capacity, and )  
OFFICER JAMES WOOD, in his )  
Individual capacity, and )  
SERGEANT TOM LONG, in his )  
individual capacity, )  
LT. COL. LAWRENCE O'TOOLE, in his )  
official capacity )  
Defendants. )

**MOTION TO FOR LEAVE TO FILE FIFTH AMENDED COMPLAINT**

Comes now Plaintiff Michael Faulk motions this Court for Leave to file a Fifth Amended Complaint, for the following reasons:

1. Federal Rule of Civil Procedure 15(a)(2) states that a party may amend its pleading with the court's leave. The Rule further states that "The court should freely give leave when justice so requires."
2. Mr. Faulk originally filed this Complaint against, among others, a suite of John Doe Defendants. This Court ordered the parties to engage in limited discovery for the purpose of discovering the identity of John Doe defendants named in Mr. Faulk's Complaint.
3. On October 22, 2019, this Court extended the deadline for Plaintiffs to identify John Doe Defendants to on or before January 28, 2020. (ECF No. 104).
4. Further, pursuant to the Court's order of December 31, 2019, "[a]ll motions for joinder of additional parties or amendment of pleadings shall be filed no later than January 28, 2020." (ECF No. 119).
5. The parties have engaged in substantial discovery on this matter, including the production of video of the incident by Defendants and substantial documentation including the Roll Call Sheet describing different teams in use that evening.
6. Defendants, through a (30)(b)(6) designee, were able to use video clips and photo stills prepared by Plaintiff to identify the arrest team who seized Mr. Faulk, and other officers in close proximity to Mr. Faulk.
7. Mr. Faulk therefore amends his previous Fourth Amended Complaint to remove the fictitious John Doe Defendants and instead substitute the names of the individual Officers and Sergeants, as well as to add additional claims which have come to light during the John Doe

Discovery.

8. Along with this filing, Mr. Faulk attaches as exhibits Notice of Lawsuit and Request for Waiver of Summons and Waiver of Summons which have been emailed to the City Counselor's office as of today.

WHEREFORE, Plaintiff Michael Faulk respectfully prays that this Court grant this motion for leave to file his Fifth Amended Complaint.

Date: January 28, 2020

Respectfully submitted,

**ArchCity Defenders, Inc.**

By:/s/ *Maureen Hanlon*

Blake A. Strode (MBE #68422MO)  
Michael John Voss (MBE #61742MO)  
Jacqueline Kutnik-Bauder (MBE #45014MO)  
John M. Waldron (MBE #70401MO)  
Maureen Hanlon (MBE #70990MO)  
440 North 4th Street, Ste. 290  
St. Louis, MO 63102  
855-724-2489 ext. 1021  
314-925-1307 (fax)  
[bstrode@archcitydefenders.org](mailto:bstrode@archcitydefenders.org)  
[mjvoss@archcitydefenders.org](mailto:mjvoss@archcitydefenders.org)  
[jkutnikbauder@archcitydefenders.org](mailto:jkutnikbauder@archcitydefenders.org)  
[mhanlon@archcitydefenders.org](mailto:mhanlon@archcitydefenders.org)  
[jwaldron@archcitydefenders.org](mailto:jwaldron@archcitydefenders.org)

*And*

**NELSON & NELSON**

David C. Nelson (MBE #46540MO)  
Nelson & Nelson  
420 N. High St.  
Belleville, IL 62220  
618-277-4000  
314-925-1307 (fax)  
[dnelson@nelsonlawpc.com](mailto:dnelson@nelsonlawpc.com)  
*Attorneys for Plaintiff*